a consolidated DoD report for submission to the Attorney General.

(b) Existing DoD standards and registered data elements are to be utilized to the greatest extent possible in accordance with the provisions of DoD 8320.1–M,[13] ''Data Administration Procedures''.

(c) The reporting requirement outlined in this subpart is assigned Report Control Symbol DD–PA(A)1365.

§ 286.34 Annual report content.

The current edition of DD Form 2564 will be used to submit component input. Instructions for completion follow:

(a) *Item 1.* Initial request determinations.

(1) *Total requests processed.* Enter the total number of initial FOIA requests responded to (completed) during the fiscal year.

NOTE: Since more than one action frequently is taken on a completed case, Total Actions, (see paragraph (a)(6) of this section) the sum of paragraphs (a)(2) through (a)(5) of this section can exceed *Total Requests Processed* (See appendix F to this part for form layout).

(2) *Granted in full.* Enter the total number of initial FOIA requests responded to that were granted in full during the fiscal year. (This may include requests granted by your office, yet still requiring action by another office.)

(3) *Denied in part.* Enter the total number of initial FOIA requests responded to and denied in part based on one or more of the nine FOIA exemptions. (Do not report denial of fee waivers.)

(4) *Denied in full.* Enter the total number of initial FOIA requests responded to and denied in full based on one or more of the nine FOIA exemptions. (Do not report denial of fee waivers.)

(5) *''Other reason'' responses.* Enter the total number of initial FOIA requests in which you were unable to provide all or part of the requested information based on an ''other reason'' response. Paragraph (b)(2) of this section explains the six possible ''other reasons''.

[13] See footnote 1 to § 286.1(a).

(6) *Total Actions.* Enter the total number of FOIA actions taken during the fiscal year. This number will be the sum of paragraph (a)(2) through (a)(5) of this section.

NOTE. Total actions must be equal to or greater than the number of total requests processed (paragraph (a)(1) of this section).)

(b) *Item 2.* (1) *Exemptions Invoked on Initial REQUEST Determinations.* Enter the number of times an exemption was claimed for each request that was denied in full or in part. Since more than one exemption may be claimed when responding to a single request, this number will be equal to or greater than the sum of paragraphs (a)(3) and (a)(4) of this section.

(2) *''Other reasons'' cited on initial determinations.* Identify the ''other reason'' response cited when responding to a FOIA request and enter the number of times each was claimed.

(i) *Transferred request.* Enter the number of times a request was transferred to another DoD component or Federal Agency for action.

(ii) *Lack of records.* Enter the number of times a search of files failed to identify records responsive to subject request.

(iii) *Failure of requester to reasonably describe record.* Enter the number of times a FOIA request could not be acted upon since the requester failed to reasonably describe the record(s) being sought.

(iv) *Other failures by requester to comply with published rules and/or directives.* Enter the number of times a requester failed to follow published rules concerning time, place, fees, and procedures.

(v) *Request withdrawn by requester.* Enter the number of times a requester withdrew a request and/or appeal.

(vi) *Not an agency record.* Enter the number of times a requester was provided a response indicating the requested information was not an agency record.

(vii) *Total.* Enter the sum of paragraph (b)(2)(i) through (b)(2)(vi) of this section. This number will be equal to or greater than the number in paragraph (a)(5) of this section since more than one reason may be claimed for each ''other reason'' response.

(c) *Item 3.* Appeal determinations.

(1) *Total appeal responses.* Enter the total number of FOIA appeals responded to (completed) during the fiscal year.

(2) *Granted in full.* Enter the total number of FOIA appeals responded to and granted in full during the year.

(3) *Denied in part.* Enter the total number of FOIA appeals responded to and denied in part based on one or more of the nine FOIA exemptions.

(4) *Denied in full.* Enter the total number of FOIA appeals responded to and denied in full based on one or more of the nine FOIA exemptions.

(5) *''Other reason'' responses.* Enter the total number of FOIA appeals in which you were unable to provide the requested information based on an ''other reason'' response. Paragraph (b)(2) of this section explains the six possible ''other reasons''.

(6) *Total actions.* Enter the total number of FOIA appeal actions taken during the fiscal year. This number will be the sum of paragraphs (c)(2) through (c)(5) of this section and should be equal or greater than the number of total appeal responses, paragraph (c)(1) of this section.

(d) *Item 4.* (1) *Exemtions invoked on appeal determinations.* Enter the number of times an exemption was claimed for each appeal that was denied in full or in part. Since more than one exemption may be claimed when responding to a single request, this number will be equal to or greater than the sum of paragraphs (c)(3) and (c)(4) of this section.

(2) *''Other reasons'' cited on appeal determinations.* Identify the ''other reason'' response cited when responding to a FOIA appeal and enter the number of times each was claimed. See paragraph (b)(2) of this section for description of ''other reasons''. This number can be equal to or possibly greater than the number in paragraph (c)(5) of this section since more than one reason may be claimed for each ''other reason'' response.

(e) *Item 5. Exemption 3 statutes invoked on initial and appeal determinations.* Identify the number of times you have used a specific statute to support each use of exemption 3 identified in paragraphs (b)(1) and (d)(1) of this section. List the statutes used to support each use of exemption 3; the number of instances in which the statute was cited; note whether or not the statute has been upheld in a court hearing; and provide a concise description of the material withheld in each individual case by the statute's use. Ensure you cite specific sections of acts invoked. To qualify as a 5 U.S.C. 552(b)(3) exemption, the statute must contain clear wording that the information covered will not be disclosed. The total number of instances reported above will be equal to or greater than the total number of 5 U.S.C. 552(b)(3) exemptions listed in paragraphs (b)(1) and (d)(1) of this section.

(f) *Item 6. Number and median age of cases pending as of September 30 of the preceding year.* (1) *Total number of initial requests pending as of September 30, preceding year.* Enter the total number of initial FOIA requests pending (open) as of the day before the current reporting period began (September 30 previous to the reported period, fiscal year).

(2) *Median age of requests pending as of September 30 of the preceding year.* Enter the median age of pending FOIA requests as of the day before the current reporting period began (September 30 previous to the reported period, fiscal year).

(3) *Examples.* (i) Given five cases aged 10, 25, 35, 65, and 100 days from date of receipt as of the previous September 30. The total requests pending is five. The median age (days) of open requests is the middle, not average value, in this set of numbers (10, 25, 35, 65, and 100), 35 (the middle value in the set).

(ii) Given six pending cases, aged 10, 20, 30, 50, 120, and 200 days from date of receipt, as of the previous September 30, the total requests pending is six. The median age (days) of open requests 40 days (the mean [average] of the two middle numbers in the set, in this case the average of middle values 30 and 50).

(g) *Item 7. Number of initial requests received during the fiscal year.* Enter the total number of initial FOIA requests received during the reporting period (fiscal year being reported).

(h) *Item 8. Types of requests processed and median age.* Information is reported for three types of initial requests completed during the reporting period:

Simple; Complex; and Expedited Processing. The following items of information are reported for these requests:

(1) *Total number of initial requests.* Enter the total number of initial requests processed during the reporting period (fiscal year) by type (Simple, complex and expedited processing) in the appropriate row on the form.

(2) *Median age (days).* Enter the median number of days required to process each type of case (Simple, complex and expedited processing) during the period in the appropriate row on the form.

(3) *Example.* Given seven initial requests, multitrack—Simple completed during the fiscal year, aged 10, 25, 35, 65, 79, 90 and 400 days when completed. The total number of requests completed was seven. The median age

(days) of completed requests is 65, the middle value in the set.

(i) *Item 9. Fees collected from the public.* Enter the total amount of fees collected from the public during the fiscal year. This includes search, review and reproduction costs only.

(j) *Item 10*—(1) *FOIA program costs.*— (i) *Personnel costs.* Paragraphs (j)(1)(i) and (j)(1)(ii) of this section are used to capture man-years and salary costs of personnel primarily involved in planning, program management and/or administrative handling of FOIA requests. Determine salaries for military personnel by using the composite standard pay rates (DoD 7220.9–M thnsp;[14]). For civilian personnel use Office of Personnel Management salary table and add 16% for benefits. A sample computation is shown:

Grade	Number of personnel	Salary	Percent of time	Costs
O–5	1	$90,707	10	$9,071
O–1	1	37,545	10	3,755
E–7	1	44,375	50	22,188
Totals	3	....	70	35,014

(A) *Estimated man-years.* Add the total percentages of time for personnel involved in administering the FOIA program and divide by 100. In the example shown in the table in this paragraph (j)(1)(i), (10+10+50)/100=.7 man-years.

(B) *Man-year costs.* Total costs associated with salaries of individuals involved in administering FOIA program. In the example shown in the table in this paragraph (j)(1)(i), the total cost if $35,014.

(C) *Estimated man-hour costs by category.* This section accounts for all other personnel not reported in paragraphs (j)(1)(i)(A) and (j)(1)(i)(B) of this section who are involved in processing FOIA requests. Enter the total hourly cost for each of the five areas described.

(*1*) *Search time.* This includes only those direct costs associated with time spent looking for material that is responsive to a request, including line-by-line identification of material within a document to determine if it is re-

sponsive to the request. Searches may be done manually or by computer using existing programming.

(*2*) *Review and excising.* This includes all direct costs incurred during the process of examining documents located in response to a request to determine whether any portion of any document located is permitted to be withheld. It also includes excising documents to prepare them for release. It does not include time spent resolving general legal or policy issues regarding the application of exemptions.

(*3*) *Coordination and approval.* This includes all costs involved in coordinating the release/denial of documents requested under the FOIA.

(*4*) *Correspondence/form preparation.* This includes all costs involved in typing responses, filling out forms, etc., to respond to a FOIA request.

(*5*) *Other activities.* This includes all other processing costs not covered above, such as processing time by the mail room.

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[14] See footnote 1 to § 286.1(a).

(*6*) *Total.* Enter the sum of paragraphs (j)(1)(A) through (j)(1)(i)(E) of this section.

(D) *Overhead.* This is the cost of supervision, space, and administrative support. It is computed as 25% of the sum of paragraphs (j)(1)(i)(B) and (j)(1)(i)(C) of this section.

(E) *Total.* Enter the sum of paragraphs (j)(1)(i)(B), (j)(1)(i)(C) and (j)(1)(i)(D) of this section.

(ii) *Other case-related costs.* Using the fee schedule, enter the total amounts incurred in each of the following paragraphs.

(A) *Computer search time.* This includes cost of central processing unit, input/output devices, memory, etc. of the computer system used, as well as the wage of the machine's operator/programmer. Since desk top/personal computers have no central processing units, when these systems are involved, computer search shall consist only of personnel time to accomplish the job.

(B) *Office copy reproduction.* This is the cost of reproducing normal documents with office copying equipment.

(C) *Microfiche reproduction.* This is the cost of reproducing records and providing microfiche.

(D) *Printed records.* This is the cost of providing reproduced copies of forms, publications, or reports.

(E) *Computer copy.* This is the actual cost of duplicating magnetic tapes, floppy diskettes, computer printouts, etc.

(F) *Audiovisual materials.* This is the actual cost of duplicating audio or video tapes or like materials, to include the wage of the person doing the work.

(G) *Other.* Report all other costs which are easily identifiable, such as per diem, operation of courier vehicles, training courses, printing (indexes and forms), long distance telephone calls, special mail services, use of indicia, etc.

(H) *Subtotal.* Enter the sum of paragraphs (j)(1)(ii)(A) through (j)(1)(ii)(G) of this section.

(I) *Overhead.* This is the cost of supervision, space, and administrative support. It is computed as 25% of paragraph (j)(1)(ii)(H) of this section.

(J) *Total.* Enter the sum of paragraphs (j)(1)(ii)(H) and (j)(1)(ii)(I) of this section.

(iii) *Cost of routine requests processed.* This item is optional. Some reporting activities may find it economical to develop an average cost factor for processing repetitive routine requests rather than tracking costs on each request as it is processed. Care should be exercised so that costs are comprehensive to include a 25% overhead, yet are not duplicated elsewhere in the report. Multiply the number of routine requests processed time the cost factor to compute this amount.

(iv) *Total costs.* Enter the sum of paragraphs (j)(1)(i) through (j)(1)(iii) of this section.

(2) *Number of full time staff.* Enter the number of people in your agency that process FOIA actions full time.

(k) *Item 11. Date report prepared.* Enter the date the report was completed and signed by an approving official.

(l) *Item 12. Name, address & phone number of agency.* Enter data for the agency or activity that prepared the report.

(m) *Item 13. Signature, typed name, and title of approving official.* Enter the name and title of the individual approving the report. Approval of the report is indicated by the official's signature.

Subpart H—Education and Training

§ 286.37   Responsibility and purpose.

(a) *Responsibility.* The Head of each DoD Component is responsible for the establishment of educational and training programs on the provisions and requirements of this part. The educational programs should be targeted toward all members of the DoD Component, developing a general understanding and appreciation of the DoD FOIA Program; whereas, the training programs should be focused toward those personnel who are involved in the day-to-day processing of FOIA requests, and should provide a thorough understanding of the procedures outlined in this part.

(b) *Purpose.* The purpose of the educational and training programs is to